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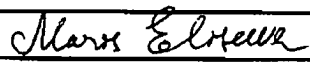
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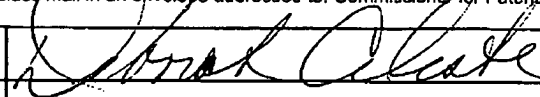
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/683,713	
	Filing Date	February 6, 2002	
	First Named Inventor	Hilmar Gugel	
	Art Unit	2872	
	Examiner Name	Nguyen, Thong Q.	
Total Number of Pages in This Submission	23	Attorney Docket Number	21295.40 (H5365US)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Non-Compliant Amendment
Remarks <input style="width: 100%;" type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Houston Eliseeva LLP		
Signature			
Printed name	Maria M. Eliseeva		
Date	November 4, 2004	Reg. No.	43,328

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re:	Hilmar Gugel, Joerg Bewersdorf and Stefan W. Hell	Confirmation No:	8638
Serial No:	09/683,713	Group:	2872
Filed:	February 6, 2002	Examiner:	Nguyen, Thong Q.
For:	Double Confocal Scanning Microscope		
Customer No.:	29127		
Attorney Docket No.	21295.40 (H5365US)		

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**NOV 04 2004****RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

VIA FACSIMILE: 703-872-9306  
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P.O. Box 1450,  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed October 4, 2004, Applicant resubmits the Appellant's Brief attached hereto in its entirety.

In accordance with attorney Martin Meder's phone conversation with the Examiner, the Appellant's Brief is being resubmitted in compliance with the new rules under 37 CFR Parts 1, 5, 10, 11 and 41.

Respectfully submitted,

HOUSTON ELISEEVA LLP

By Maria M. Eliseeva

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Date: November 4, 2004

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